



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2207 (Patron – Morrissey)

LD #: 13103146

Date: 1/10/2013

Topic: Prohibiting the sale, etc., of assault rifles and certain magazines

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Correctional Centers:**
Cannot be determined
- **Juvenile Detention Facilities:**
Cannot be determined

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 3 of the Acts of Assembly of 2012, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal expands § 18.2-308.2:01 of the *Code* to prohibit the sale of assault firearms. Under this provision, any person who imports, sells, barter, or transfers any assault firearm would be guilty of a Class 6 felony. The proposal also adds § 18.2-309.1 to create a Class 1 misdemeanor for the importation, sale, etc., of a firearms magazine holding more than 20 rounds of ammunition. The provisions would not apply to law-enforcement officers or military personnel in the performance of their duties.

Analysis:

Existing data do not contain sufficient detail to determine the number of instances in which an individual might sell an assault firearm in violation of the proposed provision. However, offenders convicted under the proposal may be sentenced similarly to those who are currently convicted of a Class 6 felony under § 18.2-308.2:01(A).

According to the Circuit Court Case Management System (CCMS)¹ for fiscal year (FY) 2011 and FY2012, two offenders were identified as being convicted of a Class 6 felony under § 18.2-308.2:01(A). The firearm offense was the primary, or most serious, offense in one of the cases; this offender was sentenced to a local-responsible (jail) term of five months.

Impact of Proposed Legislation:

State adult correctional facilities. The proposal establishes a new felony offense, making the sale, export, barter, or transfer of any assault firearm a Class 6 felony. As a result, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, existing data do not provide sufficient detail to estimate the number of new felony convictions that could result from enactment of the proposal. Therefore, the impact on prison bed space needs cannot be determined.

¹ Formerly referred to as the Court Automated Information System (CAIS).

Local adult correctional facilities. Similarly, the proposal may also increase local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be determined.

Adult community corrections programs. Because the proposal could result in felony convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for adult community corrections resources. Since the number of cases that may be affected cannot be determined, the potential impact on community corrections resources cannot be quantified.

Virginia’s sentencing guidelines. Convictions under the proposed § 18.2-308.2:01(C) would not be covered by the sentencing guidelines as the primary (most serious) offense in a case; however, a conviction under this provision can augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice, the proposal may have an impact on juvenile correctional center bed space needs. However, the actual impact on juvenile correctional center bed space needs cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that, while the proposal may have an impact on juvenile detention bed space needs, the actual impact on juvenile detention facilities cannot be determined.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 3 of the Acts of Assembly of 2012, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

firearm13_3146